



Entered on Docket
February 25, 2010

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,
USA CAPITAL REALTY ADVISORS, LLC,¹
USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,
USA CAPITAL FIRST TRUST DEED FUND, LLC,²
USA SECURITIES, LLC,³

Debtors.

Affects:

- ☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING OBJECTION OF
USACM TRUST TO PROOFS OF CLAIM
BASED, IN WHOLE OR IN PART, UPON
INVESTMENT IN PALM SPRINGS
MARQUIS HOTEL LOAN (EXCEPT AS
TO VOSS FAMILY TRUST PROOF OF
CLAIM)**

Hearing Date: February 5, 2010
Hearing Time: 9:30 a.m.

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Objection Of USACM Trust To Proofs Of Claim
2 Based, In Whole Or In Part, Upon Investment In Palm Springs Marquis Hotel Loan (the
3 “Marquis Hotel Loan”) [DE 7917] (the “Objection”); the Court having heard the Objection
4 on February 5, 2010; appropriate notice of the Objection having been given; no response
5 to the Objection having been filed; and good cause appearing:

6 **IT IS ORDERED** that:

7 1. The Objection [DE 7917] is sustained;

8 2. The Objection to the Voss Family Trust claim was withdrawn on the ground
9 that the response to the objection [DE 7940] filed by Voss Family Trust admits that the
10 Voss Family Trust was paid in full on this loan.

11 3. The claims listed on **Exhibit A** attached are disallowed in the amounts
12 shown to the extent those claims are based upon individual investors’ investment in the
13 Marquis Hotel Loan because the individual investors were paid in full on their investments
14 in the Marquis Hotel Loan.

15 4. The claims listed on Exhibit A are not affected by this order to the extent
16 they are based upon an investment in another loan.

17 PREPARED AND RESPECTFULLY SUBMITTED BY:

18 **LEWIS AND ROCA LLP**

19
20 By /s/ John Hinderaker (018024)
21 Rob Charles
22 John Hinderaker (*pro hac vice*)
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Attorneys for USACM Liquidating Trust

1 APPROVED/DISAPPROVED

2
3 By: Voss Family Trust
4 Voss Family Trust
5 Wolf and Claudia Voss, Trustees
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In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: VOSS FAMILY TRUST	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input checked="" type="checkbox"/> failed to respond to the document

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Submitted by:

LEWIS AND ROCA LLP

By: /s/ JH (#018024)

Rob Charles
John Hinderaker (*pro hac vice*)
Attorneys for USACM Liquidating Trust

USACM TRUST
PAID LOAN OBJECTIONS

MULTIPLE LOAN CLAIMS
MARQUIS HOTEL

Exhibit A

Claim	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the Marquis Hotel Loan
10725-01408	Alexander Ind & As Trustees, Stanley & Florence	P.O. Box 95144 Longwood, FL 32779	\$ 400,000.00	\$ 37,500.00
10725-01579	Cielen, James	2880 Bicentennial Pkwy Ste 100-223 Henderson, NV 89044	\$ 43,750.00	\$ 12,500.00
10725-01653	Voss Family Trust Dtd 10/4/99	Voss, Wolf & Claudia Tees 14 Via Ambra Newport Beach, CA 92657	\$ 346,662.00	\$ 25,000.00